

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

CAROLINE PURVIS

V.

TEXAS A&M UNIVERSITY

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§  
§  
§

CIVIL ACTION NO. G-10-520

**ORDER**

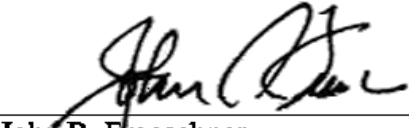
In reviewing the Parties' submissions the Court discovered that in her response to the Motion to Dismiss of Defendant, Texas A&M University, Plaintiff, Caroline Purvis, although arguing that her pleadings are factually sufficient to survive the post-Twombly/Igbar federal pleading standard, also asked for leave to amend if this Court disagrees.

Rule 15(a) of the Federal Rules of Civil Procedure severely restricts the District Court's discretion to dismiss a case without granting at least one opportunity to amend where a more carefully drafted complaint might state a claim. Silva v. Bieluch, 351 F.3d 1045, 1048 (11<sup>th</sup> Cir. 2003) see also, Mills v. Injury Benefits Plan of Schepps-Foremost, Inc., 851 F.Supp. 804 (N.D. Tex. 1993) Consequently, rather than address the merits of the Defendant's Motion only to then, if necessary, invite an amended complaint, the Court prefers to first grant Purvis the opportunity to state her best case.

Purvis is, therefore, **GRANTED** leave to amend her complaint and it is **ORDERED** that Purvis **SHALL**, on or before June 17, 2011, either file an Amended Complaint or notify the Court of her decision not to do so.

If Purvis files an Amended Complaint, the Court **WILL** schedule a prompt Telephone Conference to discuss the need, if any, for supplemental briefing from the Parties.

**DONE** at Galveston, Texas, this 13th day of May, 2011.

  
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John R. Froeschner  
United States Magistrate Judge